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.2001			(/21)	55
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.1947	(13)	76
.1964	(25)	77
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.1964 (25)

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.1981 (157) (163) .

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.¹¹⁰(1995/9/25 58 (3751) 989/4/17

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.1964 (25) (4/57)

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.1979 (1366) (79/49)

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.1985 (57)	(49)	112
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	1964	(25)	(74)	123
.2001			(1/30)	124
.2001			(50)	125

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	.1985	(1535)	(85/132)	140
.1993		(579)	(90/806)	141
.1986		(134)	(85/334)	142
.1989		(991)	(87/935)	143

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275 4 57/27

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.2001 (4)

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.1968 (56) (67/346)

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.1964 (304) (64/16)

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.1965 (96) (64/339)

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1939 (14)

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.1984 (743) (84/245) 156

. (303) :

.2001 (/21) 158

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.2001	(4)	(8)	162
.2001	(4)	(9)	163
.2001	(4)	(11)	164
.2001	(4)	(15)	165
.2001	(4)	(18•16)	166

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	.(119)	:	168
	.(122)	:	169
.2001	(4)	(1/68)	170
	.2001 (4)	(70)	171
.2001	(4)	(1/71)	172

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	.1964	(563)	(64/38)	175
.1987		(138)	(85/343)	176
.1993		(51)	(91/394)	177

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.1968	(238)	(67/345)	178
.1973	(75)	(72/328)	179
.(195)		:	180

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(14) (41) .

1973 (78) 1939

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184(1986/4/25

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181

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182 القضاة، مفلح عواد: **البيانات في المواد المدنية والتجارية**، المرجع السابق، ص (210).

183 انظر المواد (106، 107، 108، 109) ، من قانون البيانات في المواد المدنية والتجارية الفلسطيني، رقم (4) ، لسنة 2001.

184 قرة، فتيحة: **موسوعة قضاء النقض الضريبي**، المرجع السابق، ص (145) .

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	.1964	(25)	(2/35)	188
.2001			(18)	189
	.1985	(57)	(26)	190

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192 أنظر المادة (21) ، من مشروع قانون ضريبة الدخل الفلسطيني، المقر بالقراءة الثانية، سنة 2001.

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$$\cdot 194_{\text{II}} \quad (50)$$

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$$\cdot^{196} \quad (50)$$

.1996	(3765)	(96/798)	193
.1986	(231)	(86/410)	194
.2001 (2)		(191)	195
.1989	(331)	(86/410)	196

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.2001	(4)	(146)	199
.2001	(4)	(132)	200
.2001	(4)	(133)	201
.2001	(4)	(137)	202
.2001	(4)	(144)	203
.2001	(4)	(145)	204

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.2001	(4)		(185)	208
		1973	(232) (73/200)	209
		.1973	(425) (73/57)	210

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. 1964	(25)	(5/57)	245
. 1985	(1140)	(85/141)	246
.1996	(3674)	(94/1149)	247
.1987	(351)	(85/503)	248
. (193)		:	249

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1964 (57)
.250"

(34) (/34) "
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.1986	(10)			(11)	257
.1987			(19998)	(85/551)	258

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.1996	(3594)	(94/900)	266
.1996	(3697)	(95/750)	267
.1996	(3713)	(95/1083)	268
.1972	(1002)	(72/69)	269

.270"

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1982 (34) (/34)
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.272" (33)

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"273

	.1979	(1388)	(79/121)	270
	.1964	(25)	(54)	271
.1986		(337)	(86/537)	272
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.276"

.6

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.277" (50)

.7

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(83)

.1989	(1001)	(88/184)	274
.1993	(635)	(91/494)	275
	.1971	(644) (71/61)	276
	.1974	(381) (73/328)	277

.278"

.8

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.279"

.1996

(3761)

(96/786)

278

.1996

(3589)

(94/454)

279

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1964 (25)

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280

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(1)

281"

.(177)

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280

²⁸¹ انظر المادة (21) من قانون ضريبة الدخل رقم (25) لسنة 1964.

(57)

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(54)

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.285 (57) 284

.4

.1964	(25)	(22)	283
. (186)		:	284
.1964	(25)	(23)	285

.²⁸⁶(57)

.5

.²⁸⁷ (57)

.6

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(5) (4) (1)

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(5/14)

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. (60/32/31/30)

.1964 (25)

.1964 (25)

(49) ²⁸⁶

(50) ²⁸⁷

(53) -
50 (56)

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(57)
289
.8

290

.196	(25)	(54)	288
.1964	(25)	(56)	289
. (186)		:	290

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292

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.(44 43 42 37 35 34)

. (275)

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292

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294

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304"

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(2/57) "

305"

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(57)

(220)

.1965	(1570)	(65/308)	304
.1965	(1865)	(76/100)	305

306"

.3

1964 (25)

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1978

1977

1964

(/3/57)

307"

.4

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308"

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.1989

(998)

(88/393)

306

.1982

(641)

(81/647)

307

.1972

(701)

(72/116)

308

309
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" 310" 1964

(6/57)

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311"
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(222)

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312"
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313
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.(202)

309
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.1968 (56) (67/346) 310

.1970 (604) (70/198) 311

.1979 (737) (78/449) 312

.1965 34 (/7) 313

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314"

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315

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316" 253

1982 (34) (2/ /34)

(27 26)

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318"

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319"

" (/5) "

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.1971	(644)	(71/61)	318
.1972	(1002)	(71/61)	319

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(/7) "

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320"

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.1973

(1047)

(73/145)

320

321"

322

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.1974 (1020) (73/234) 321

.1965 (34) (/4) 322

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	.1964	(25)	(62)	323
.1987		(1580)	(87/374)	324

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325

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326"

.(334)

.2001 (2)

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.1967 (635) (64/107) 329

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.1963/6/9

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338

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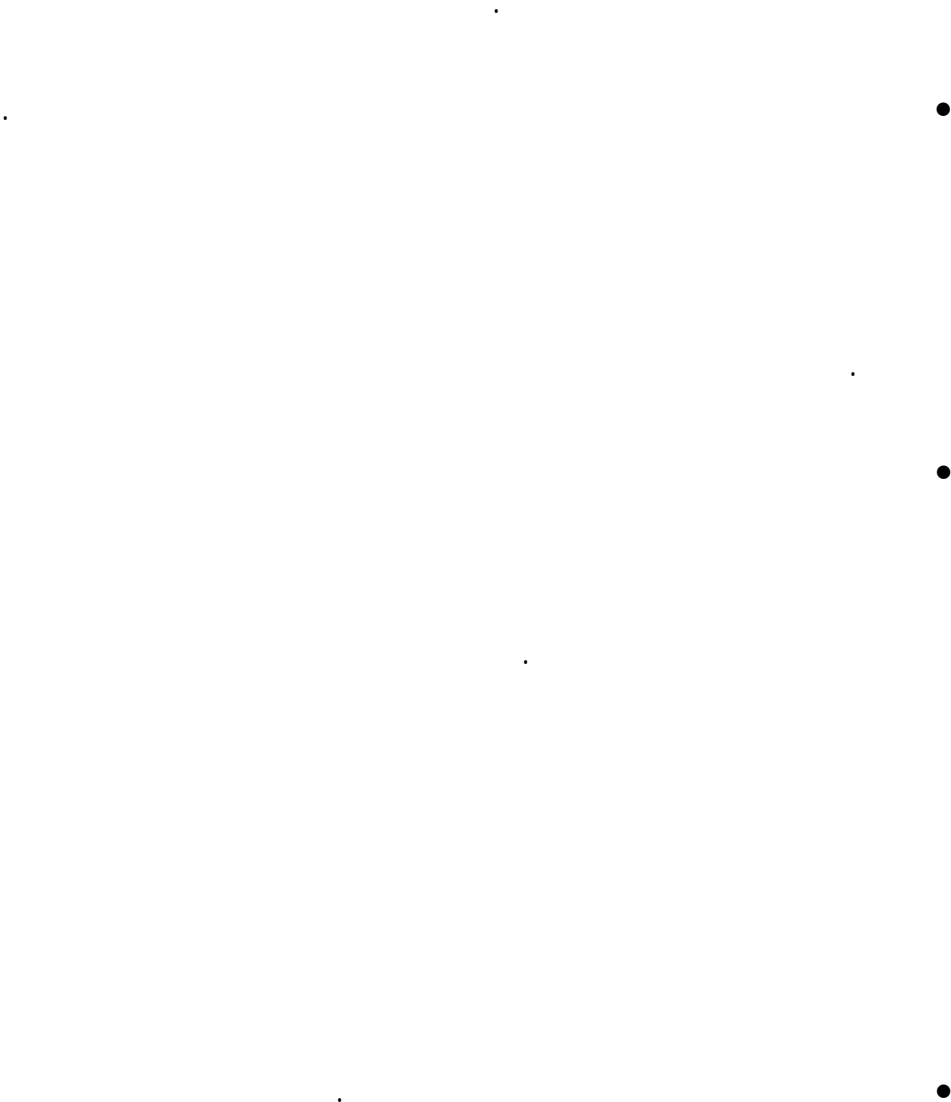
360

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362

363
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.(173)

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363

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372 .

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1994 -1989

373

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.1995 (5)

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374

375

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376

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2004/5/30 / (3092)

.2002

(67)

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373

.(8)

(70)

374

(65)

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376

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377

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378

(67)

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(68)

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379

380

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382

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.			(70)	379
.			(71)	380
.	1995	(4)	(1)	381
.	1995	(4)	(3)	382

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1995 (4)

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383

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384

1995 (4)

383

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384

.(30) 1997

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1998 /11/5

.1998/12/21

2000/8/17

.2001/3/11

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1997/10/4

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%	2002	%	2001	%	2000	%	1999	%	1998	%	1997	1996	
12-	1148	4.1-	1308	15-	1364	12-	1603.9	52	1821.5	28.8	1195.4	927.9	
64.7-	205	39.7-	581	6.6	964	2-	903.6	13	921.5	19.3	816	684.2	
72.9-	138	39.8-	509	8.7	846	4	778.6	8	750.5	16	693.9	598.4	
26-	37	37.5-	50	7.2-	80	8.7	86.25	5	72	22	68.7	56.3	.
96.5-	7	38.7-	200	26.2	326	32	258.3	23	195.5	45.6	159.4	109.5	.
64-	93	41.1-	259	7.4-	440	0	475.3	6	477	7.6	451.3	419.5	.
100	1	100-	0	80-	1	17-	5	59-	6	10.7	14.5	13.1	.
6.9-	67	37.9-	72	7.4-	116	27-	125.3	40	171	42.3	122.1	85.8	

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3037,3144 3131,3151

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.1947	(13)	.4
.1954	(12)	.5
.1964	(25)	.6

.1985 (57)	.7
.1981 (157)	.8
. 1955 (165)	.9
.	.10
.2001 (4)	.11
.2002	.12
.2001 (2)	.13
.2001 (5)	.14
. 1995 (4)	.15
. 1995 (5)	.16
.	.17
.	.18
.1965 (34)	.19
.1994 (1)	.20
1997 (106)	.21
.1997/3/1	
.(406) (109)	.22

An-Najah National University
Faculty of Graduate Studies

**The Judicial Impugn in
Income Tax Disputes in Palestine**

by
Raja Ahmad Mohammad Khwailed

Directed by
Dr.Mohammad Sharakah

**Submitted in Partial Fulfillment of the Requirements for the Degree of
Masster in Taxation Disputes, Faculty of Graduate Studies at An-Najah
National University, Nablus, Palestin.**

2004

**The Judicial Impugn in
Income Tax Disputes in Palestine**
by
Raja Ahmad Mohammad Khwailed
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Abstract

Because of the importance of judicial impugn in taxes disputes among other tax issues, it represent a guarantee for appellant and because it suffered a lot during the occupation period it became as anew subject in the Palestinian taxes system because of the lack of experience in judicial impugn at different levels, weither by judicial system, taxes system or appetents or lawyers Add to that a group of legal principles in tax subjects that been accepted by court decisions which contributes in putting these principles. Because the court of appeal in tax cases was inactive during occupation, the judicial impugn in tax disputes did not perform its role. For that reason a lot of impugn sentences are still mysterious and not clear for different parties, they need a lot of study and investigation to reveal that confusion.

Judges, lawyers, appellants and tax departments cooperated to narrow the gap resulted from setting aside judicial impugn to enable them to cope with the developments that took place in income tax disputes.

The Palestinian lawyer still face many obstacles in dealing tax courts, these difficulties differ from one appellant to another. Because the Palestinian authority was the dream for many. It is still hard for many people to sue this authority in front of courts, for

some, the reason for not impugning is the lack of trust in judicial system, they feel that the system will not be fair in dealing with tax system. There are other reasons for not impugn in courts concerning income tax disputes. I talked about that in details to achieve the following goals:

- To show the importance of judicial impugn in income tax disputes and to state its goals.
- To help the Palestinian legislator in determining the suitable court that will deal with such disputes.
- To identify the procedures of judicial impugn in income tax disputes.
- to concentrate on the legal principles that were approved by the Jordanian courts concerning judicial impugn which will act as a lighthouse in guiding the Palestinian judge and legislator.
- To identify the problems and difficulties that face the judicial impugn procedures to enable the responsible departments to deal with such cases.
- To enrich the research and to achieve the scientific and practical goals, the researcher reviewed some of the references in which he depended on legal laws especially the Jordanian tax law number 25 of 1964 and court judgments.

The researcher dealt with the subject as follows

Introduction: in which the importance of taxes was clarified, then, the importance of judicial impugn in income tax disputes, which is considered as a guarantee for appellant.

Introductory chapter, the researcher talked a bout the development of judicial impugn in Jordan, Egypt and Palestine since the issue of the first tax income law in these countries.

First chapter: it talks a bout the importance of judicial impugn, the objective and procedures of impugn, in the second part, the characteristics of judicial impugn and the specialized court and law were clarified.

Chapter tow talked a bout judicial applications in tax disputes

First, it talked a bout court of appeal in income tax cases. It talked a bout the structure, authority and decision of these courts and the appealable decisions, the second part talked a bout the most important problems that face judicial impugn in taxes disputes such as un uniformity of legislations, weakness of judicial system. lac of Palestinian income tax law. And other obstacles.

After talking about the previous subjects, the researcher reached some results and recommendations that he hope to help the Palestinian judge and legislator and lawyer.

Recommendations:

1. Unify the legislations concerning taxes in west bank and Gaza

2. Pass the Palestinian tax law that cope with the developments and take into consideration the judgments related to judicial impugn.
 - Make the administrative impugn one phase. I.e. the committee can make decisions.
 - Give the authority to court of appeal to deal with judicial impugn in tax disputes.
 - The decision of the minister or the judge can be reviewed for impugn by the specialized court.
3. Cancel all the Israeli military orders and replace it with Palestinian Lawes that suite the Palestinian situation.
4. Eliminate the occupation heritage and make the impugn decision objective as possible.
5. Activate the judicial system and emphasize it independence in dealing with all the cases.
6. Activate the tax judicial impugn in tax disputes through passing specialized lawes that regulates the judicial authority and provide the needed guarantees to apply law.
7. Provide the needed number of judges to suite the number of cases in courts.
8. prepare Specialized judges to deal with tax disputes through training and rehabilitation to qualify there with the needed experience to deal with tax issues.

9. Create different kinds of courts to deal with the big number of cases.
10. Raise the awareness concerning taxes among Palestinian lawyers and build up trust among the tax administration.
11. Provide a number of legal specialized people to working tax departments.
12. Rehabilitate the tax personnel through training that aim to introduce the legal issues and explain tax law.
13. Equip the tax departments with what they need to carry out the work.
14. Create an information unit in tax system that deals with judicial impugn.
15. The tax administration must holds workshops and seminars to explain tax law and income tax law and to clarify the role of lawyers and personnel.
16. Rehabilitate lawyers in the field of taxes through training courses.